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Attorneys for Fidelity Exploration & Production Company

**MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS & CLARK COUNTY**

NORTHERN PLAINS RESOURCE
COUNCIL, INC., and TONGUE RIVER
WATER USERS' ASSOCIATION,

Plaintiffs/Petitioners,

-vs-

MONTANA DEPARTMENT OF
NATURAL RESOURCES AND
CONSERVATION, and FIDELITY
EXPLORATION & PRODUCTION
COMPANY,

Defendants/Respondents.

Cause No. CDV-07-425

AFFIDAVIT OF FREDRICK MUELLER

STATE OF MONTANA)
:ss.
COUNTY OF BIG HORN)

I, Fredrick Mueller, being first duly sworn, depose and state the following, under oath and penalty of perjury:

1. I am over the age of 18 years, have first-hand knowledge of the facts set forth below, and am competent to testify in this matter.
2. I reside in Big Horn County, Montana.
3. I raise cattle and hay crops in the vicinity of Fidelity Exploration & Production

Company's (Fidelity) coalbed natural gas operations at the CX Field.

4. On January 17, 2007, I entered into a contract with Fidelity to receive developed water for "certain beneficial uses" including "a water supply for agriculture, livestock, and wildlife in order to continue the productive development of [my land]." My contract allows Fidelity to provide me up to 3.36 acre feet of developed water per year.

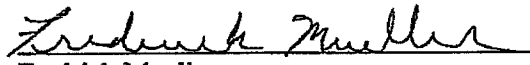
5. I lease lands from Decker Coal Company. Part of the land I lease is covered by a conservation easement. A stock tank fed by Fidelity's developed water was put in on the conservation easement between wildlife food plots. Since I cannot graze my cows on the conservation easement, the sole purpose of this stock tank is to water wildlife grazing the food plots.

6. I am aware that the Northern Plains Resource Council and the Tongue River Water Users' Association have filed a Motion to stay of Fidelity's Montana Beneficial Use Permit 42B-300 11045. I am further aware that if the Court grants the Motion to stay Fidelity will be unable to provide me the developed water.

7. Food plots and plenty of water make for an ideal wildlife sanctuary. Taking good water from the conservation easement will not help but harm the productivity of the easement. The best forage in the world will not hold wildlife without a good source of water.

8. I would also lose any future opportunities to use the developed water for uses beneficial to both me and the wildlife present on the conservation easement.

DATED this 17 day of December, 2007.


Fredrick Mueller

SUBSCRIBED AND SWORN to before me this 17th day of December, 2007.

(Notarial Seal)

Nolan J. Olson
(print name) Nolan J. Olson
Notary Public for the State of ~~Wyoming~~ Montana
Residing at Glendive
My commission expires June 3, 2008

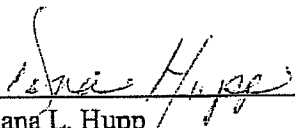
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Affidavit of Fredrick Mueller* was mailed postage pre-paid thereon at Helena, Montana, this 20th day of December 2007:

Anne Yates
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Montana Department of Natural Resources and Conservation
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